

Summary of Changes OAC 310:257

This Summary provides a synopsis of the textual changes from the 2016 Oklahoma Food Establishment Regulations to the 2021 Oklahoma Food Establishment Regulations. The primary intent of this record is to capture the nature of the changes rather than to identify every word or editing change. *This record should not be relied upon as an absolute comparison that identifies each and every change.*

General:

- Numerous editing changes were made throughout the document for internal consistency and to correct errors
- Repetitive language was removed throughout the document to comply with Oklahoma's rule reduction policy
- Several changes were made to bring OAC 310:257 more closely in line with the 2017 FDA Model Food Code

Subchapter 1:

Revised "**Certified Applicator**" to align with 2017 FDA Model Food Code

Removed "**Community Water System**" definition to keep terminology in line with 2017 FDA Model Food Code

Added the term "**Cook Chill**"

Added new term "Co-Op"

Revised "**Event or celebration**" to include an event frequency limitation and requirement for an event coordinator

Added new term "**Farmers Hub**"

"**Farmers Market**" shortened definition to reflect Oklahoma Farmers Market and Farmers Hub Act as referenced in 2 O.S. Section 5-3A.1 et seq.

Altered "**Food establishment**" added requirement for religious or charitable bake sale. Placard must be placed at the sales or service location that states the food is prepared in unregulated kitchen; references 63 O.S. §§ 1201 in regards to bed and breakfast, specifies tree nuts for produce stands

Removed "**Group Residence**"

Added to "**Incidental sale**" from an approved source and no product is kept in back stock

Added new term "**Intact Meat**"

Added the term "**Law**"

"**Mobile pushcart**" altered to say moved by one average adult person
"**Mobile retail food establishment**" adds exemption for plan review fee for pre-packaged sales only/no food prep
Removed "**Non-community water system**" to keep terminology in line with FDA
Removed "**Non-transient non-community water system**" to keep terminology in line with FDA
Removed "**Occasional fund-raising event**", combined with "**Occasional**"
Altered "**Person in charge**" to mean at time of inspection
Included Cook-Chill and Sous Vide in "**Reduced oxygen packaging**"
"**Regulatory authority**" Redefined as inspector on site
"**Seasonal food establishment**" allows for individually packaged ice cream products, cut changed to uncut raw fruits and vegetables, waived plan review fee if selling only prepackaged foods and no food prep on site
"**Service animal**" altered to reference ADA
Added symptoms and serotypes to "**Shiga toxin-producing *Escherichia coli* (STEC)**"
Added "**Sous Vide**" definition
Added new term "**Tempered**" regarding water temperature
"**Temporary food establishment**" added maximum 14 days
Revised "**Vending Machine**" to be more inclusive of the diverse means of payment available
310:257-1-4. Exemptions added "from approved source" for incidental food sales, references 63 O.S. §§ 1201 et seq regarding bed and breakfast, specifies tree nuts instead of nuts for produce stands

Subchapter 3:

Amended where applicable, to revise the descriptors of illness caused by *Salmonella* Typhi or nontyphoidal *Salmonella*. This change allows the use of plain language descriptors to simplify the restriction and exclusion criteria.

310:257-3-1.1. Certified food protection manager added optional certified food manager, meets demonstration of knowledge requirements

310:257-3-2. Demonstration & 310:257-3-3. Person in charge demonstration of knowledge questions and employee temperature monitoring of TCS foods revised to align with 2017 FDA Model Food Code.

310:257-3-3. Person in charge added PIC ensures that employees are properly maintaining the temperatures of Time/Temperature Control for Safety Foods during hot and cold holding through daily oversight of the employees' routine monitoring of food temperatures;

310:257-3-4. Responsibility of the license holder, person in charge, and Employees added lesion, boil, or infected wound reportable if on any part of body unless covered by impermeable bandage, and if on hand or wrist, also a glove, updated reportable history of exposure, added jaundiced reportable to regulatory authority within 24 hr., added if regulatory authority not open, contact next business day

310:257-3-5. Exclusions and restrictions Altered restriction for food employee diagnosed with an infection from *Salmonella* (nontyphoidal) and asymptomatic: restrict the food employee

who works in a food establishment not serving a highly susceptible population in addition to food establishment serving a highly susceptible population

310:257-3-6. Removal, adjustment, or retention of exclusions and restrictions altered timeframes and conditions for removal, adjustment, or retention of exclusions and restrictions to align with 2017 FDA Model Food Code

310:257-3-10. Cleaning procedure included additional code references to match 2017 FDA Model Food Code

310:257-3-14 (d) relocated to **257-3-22**

310:257-3-18. Eating, drinking, or using tobacco included language for medical marijuana and vape.

310:257-3-19.1. Use of bandages, finger cots, or finger stalls added from 2017 Model Food Code

Subchapter 5:

310:257-5-2. Compliance with food law included undercooked fish in addition to raw

310:257-5-12. Eggs and milk products, pasteurized included frozen milk products and cheese products in this section

310:257-5-21. Preventing contamination from hands added additional measures for bare hand contact to more closely align with 2017 FDA Model Food Code, including: obtain prior approval from the regulatory authority, documentation that food employees contacting ready-to-eat food with bare hands use two (2) or more of the following control measures

(A) Double handwashing,

(B) Nail brushes,

(C) A hand antiseptic after handwashing as specified under OAC 310:257-3-14, or

(D) Other control measures approved by the Department, and

Documentation that corrective action is taken when this Sub-paragraph is not followed.

310:257-5-23. Packaged and unpackaged food-separation, packaging, and segregation added fruits and vegetables before washed

310:257-5-46. Raw animal foods aligned cooking requirements with 2017 FDA Model Food Code for ratites, mechanically tenderized and injected meats, comminuted fish, comminuted meat, comminuted game animals commercially raised for food, and raw eggs that are not prepared to a consumer's order changed from 15 seconds to 17 seconds. For poultry, baluts, wild game animals, stuffed foods or stuffing containing fish, meat, poultry or ratites changed from from 15 seconds to <1 second (instantaneous).

310:257-5-52. Reheating for hot holding changed roasts of beef to meat roasts

310:257-5-57. Cooling omitted raw egg requirement due to repetition

310:257-5-64. Reduced oxygen packaging without a variance, criteria part (c) updated manufacturer's label requirement for ROP of frozen fish

Subchapter 7:

310:257-7-13. Equipment and utensils exempts certain equipment from being commercial

310:257-7-51(a) Allowance for either a mechanical dish machine or 3 compartment sink for warewashing

310:257-7-58.1. Cleaning agents and sanitizers, availability added 2017 FDA Model Food Code requirement for availability of cleaning agents and sanitizers

Subchapter 9:

310:257-9-1. Approved System changed from community and non-community to public and non-public water system to match 2017 FDA Model Food Code

310:257-9-6. Sampling changed from non-community to non-public water system to match 2017 FDA Model Food Code

310:257-9-10. Distribution, delivery, and retention, system altered language to say public and non-public water main to match 2017 FDA Model Food Code

310:257-9-14. Handwashing facility, installation added tempered water maximum temperature requirement

310:257-9-18. Numbers and capacities, handwashing facilities Removed requirement for chemically treated towelettes for hand washing for pre-packaged food temporaries, mobiles, and vending machines.

310:257-9-20. Service sink added exception for alternate floor cleaning methods if approved

310:257-9-31. Materials, approved altered language to refer to all water tanks instead of just mobiles

310:257-9-32. Enclosed system, sloped to drain altered language to refer to all water tanks

310:257-9-37. Hose, construction and identification removed mobile and changed to any potable water and culinary purpose

310:257-9-45. Capacity and drainage included seasonal food establishment, if connected to permanent water supply shall be connected to permanent sewage system

310:257-9-47. Backflow prevention culinary sink must have an indirect connection

310:257-9-48. Grease trap added grease interceptor

Subchapter 11:

310:257-11-1. Indoor areas, surface characteristics all toilet rooms must have non-absorbent flooring

310:257-11-14. Toilet rooms, enclosed exceptions added for offset entrance maze and toilet rooms located outside of food establishment

310:257-11-15. Outer openings, protected exception added if pests are absent due to weather, location, or other limiting conditions

310:257-11-25. Hand drying provision eliminated meaningless statement

310:257-11-42. Cleaning floors, dustless methods included vomit and diarrheal events
310:257-11-50. Controlling pests changed “controlled” to “maintained free of” rodents, pests, etc.

Subchapter 13:

310:257-13-1. Identifying information, prominence added first aid, supplies, and medicine
310:257-13-4. Presence and use, restriction added immediate premise to allow weed control chemicals
310:257-13-8. Chemicals for washing, treatment, storage, and processing of fruits and vegetables, criteria ozone removed as an anti-microbial agent per 2017 FDA Model Food Code
310:257-13-16. Refrigerated medicines, storage added school-aged children

Subchapter 15:

310:257-15-2.1. Public health protection restatement of the purpose for section 15-1 public health protection
310:257-15-3.1. Variances and waivers restatement of 15-3 modifications and waivers and new language aligned with the 2017 FDA Model Food Code
310:257-15-6. When Plans are required added requirement for payment of plan review fee
310:257-15-7. Contents of the Plans and Specifications & 310:257-15-8. When a HACCP plan is required reworded to align with 2017 FDA Model Food Code and clarify local vs. state responsibilities
310:257-15-8(b) When a HACCP plan is required elaborated on ROP without a variance
310:257-15-9. Contents of a HACCP plan updated HACCP requirements/ added more detail to align with 2017 FDA Model Food Code
310:257-15-13. Form of submission and contents of application moved from 310:257-15-15 and amended minimum requirements for license application
310:257-15-16. New establishments removed “converted or remodeled” to include all new establishments
310:257-15-18. Denial of application for license, notice removed applicant’s right of appeal process
310:257-15-19. Responsibilities of the Department department shall make available a copy of this chapter via the OSDH website
310:257-15-32. Ceasing operations and reporting removed “no hot water in the facility” as an imminent health hazard, updated E.coli O157:H7 to Shiga toxin-producing *Escherichia coli*, and added language for regulatory authority to agree to continuing operations
310:257-15-34. Timely correction updated timeframes for correction to match 2017 FDA Model Food Code. Depending on nature and severity, may extend timeframe up to 72 hours after the inspection for a priority item
310:257-15-37. Obtaining information: personal history of illness, medical examination, and specimen analysis & 310:257-15-38. Restriction or exclusion of food employee, or conditional employee, or summary suspension of license added verbiage to include conditional employees

310:257-15-41. Priority items and priority foundation items updated code references

Subchapter 17:

310:257-17-1. General requirements revised mobile food code for clarity, provided an allowance to waive plan review fee for units that sell only pre-packaged food, updated food cooling processes and electrical network and component requirements for mobile units.

310:257-17-2. Mobile pushcarts (b) allowance for other pre-cooked commercially processed Time/Temperature Control for Safety Foods, (c) indoor/outdoor mobile pushcart's commissary must be licensed to the same owner as the pushcart

310:257-17-3.1. Operations of mobile units may operate at the site of licensed commissary for more than twelve hours, or parked and not operating for multiple days

310:257-17-4. Mobile retail food establishments no personal property or hazardous items stored with food

310:257-17-5. Commissary and servicing area requirements adds additional limitations that only one unit is serviced and is located at a residence for license exemption. Adds requirement for proof of licensure and inspection of out-of-state commissaries used for food preparation and utensil washing